

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

|                          |   |                            |
|--------------------------|---|----------------------------|
| Jacquelyn Wilson,        | ) | Case No. 4:19-cv-00166-DCC |
|                          | ) |                            |
| Plaintiff,               | ) |                            |
|                          | ) |                            |
| v.                       | ) | <b>ORDER</b>               |
|                          | ) |                            |
| Burlington Coat Factory, | ) |                            |
|                          | ) |                            |
| Defendant.               | ) |                            |
| _____                    | ) |                            |

This matter is before the Court on Plaintiff's Complaint alleging age discrimination in violation of the Age Discrimination in Employment Act of 1967. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings and a Report and Recommendation ("Report"). On January 24, 2019, the Magistrate Judge directed Plaintiff to complete certain forms to bring this case into proper form for further evaluation and possible service of process. ECF No. 10. Plaintiff partially complied with the order. ECF No. 12. Judge West issued a second order directing Plaintiff to fully comply with the Court's directions regarding completion of the requisite documents. ECF No. 17. Plaintiff failed to respond to the order.

On March 11, 2019, the Magistrate Judge issued a Report recommending that this case be dismissed without prejudice for failure to comply with an order of this Court. ECF No. 21. The Magistrate Judge advised Plaintiff of the procedures and requirements for

filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Accordingly, the Court adopts the Report by reference in this Order. This action is **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

May 13, 2019

Spartanburg, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.